

Message

From: Danis, Richard [/O=MBGOV/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RDANIS]
Sent: 2/16/2022 6:29:23 PM
To: Koppang, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3b53af491044a68877ab50fa80f1c1b-Koppang, Mi]; Fergusson, Owen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fba42ff4f72e4dbc8a0b6d10865e784b-Fergusson,]
CC: Legault, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74f62586d3084678a660e10698de1ded-Legault, Je]
Subject: FW: Potential HOS Exemption for Livestock

Michael/Owen, an additional context for your awareness..

Rich Danis, Director, Corporate Strategy & Planning
Manitoba Transportation & Infrastructure
(204) 227-7507

From: Danis, Richard (MI)
Sent: February 16, 2022 9:35 AM
To: Mantie, Kevin (MI) <Kevin.Mantie@gov.mb.ca>; Miller, Janice (MI) <Janice.Miller@gov.mb.ca>
Cc: Klos, Ryan (FIN) <Ryan.Klos@gov.mb.ca>; Cuthbertson, Glenn (MI) <Glenn.Cuthbertson@gov.mb.ca>; Seier, Kristine (MI) <Kristine.Seier@gov.mb.ca>; Botha, Johanu (MI) <Johanu.Botha@gov.mb.ca>
Subject: RE: Potential HOS Exemption for Livestock

Colleagues, see my yellow highlight below.....while I agree that it all seems reasonable to consider supportive steps, we may need to be extra cautious in communicating and subsequently acting via our enforcement approaches that we as a province accept, prima facie, or support any federal characterization of the protests as requiring emergency changes, even under a statute like (I assume this is under MVTA) that is not the federal Emergencies Act. I raise this given our political leadership messaging. That the Emerson blockade is coming down seems to lessen any need to acquiesce right now? I will provide this to our IGA folks, and see if there is any parameters at that level that might inform here.

From: Mantie, Kevin (MI) <Kevin.Mantie@gov.mb.ca>
Sent: February 15, 2022 10:55 AM
To: Miller, Janice (MI) <Janice.Miller@gov.mb.ca>
Cc: Klos, Ryan (FIN) <Ryan.Klos@gov.mb.ca>; Danis, Richard (MI) <Richard.Danis@gov.mb.ca>; Cuthbertson, Glenn (MI) <Glenn.Cuthbertson@gov.mb.ca>
Subject: RE: Potential HOS Exemption for Livestock

Thanks for the update Janice!

I agree, and from the enforcement side of the house, this will all be much easier if Transport Canada prepares a communication indicating the HOS allowance is acceptable under the federal regulations.

Please keep me in the loop should you hear any more.

Thanks

Km

From: Miller, Janice (MI) <Janice.Miller@gov.mb.ca>

Sent: February 15, 2022 10:33 AM

To: Klos, Ryan (FIN) <Ryan.Klos@gov.mb.ca>; Danis, Richard (MI) <Richard.Danis@gov.mb.ca>; Mantie, Kevin (MI) <Kevin.Mantie@gov.mb.ca>; Cuthbertson, Glenn (MI) <Glenn.Cuthbertson@gov.mb.ca>

Subject: Potential HOS Exemption for Livestock

Hi All,

Late yesterday the Western members of the Compliance and Regulatory Affairs (CRA) Committee of CCMTA met with Transport Canada. Transport Canada has received a request from livestock haulers requesting an exemption under the federal Commercial Vehicle Drivers Hours of Service Regulation (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-313/>). Transport Canada was seeking assurance that the provinces would accept the blockades as an emergency under section 76 of the regulation, and allow drivers to extend their on duty time without violation.

The key highlights of the discussion are as follows:

- The general consensus was that while roadside enforcement can be advised to consider the blockades an emergency situation, an advisory of that nature leaves a lot of room for interpretation by individual roadside enforcement officers.
- It is preferable for Transport Canada to prepare a communication indicating the HOS allowance acceptable under the federal regulation and the specific industries it applies to.
- All western provinces indicated that they had not yet received any requests for HOS exemptions under the federal regulation.
- Transport Canada will consult with legal advisors on the next steps.

I have copied the relevant section of the federal regulation for your convenience.

Emergencies and Adverse Driving Conditions

76 (1) The requirements of these Regulations in respect of driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.

(2) A driver who encounters adverse driving conditions while driving the vehicle during a trip south of latitude 60°N may extend the permitted 13 hours of driving time specified in sections 12 and 13 and reduce the 2 hours of daily off-duty time required by subsection 14(3) by the amount of time needed to complete the trip if

- (a)** the driving, on-duty and elapsed time in the cycle the driver followed is not extended more than 2 hours;
- (b)** the driver still takes the required 8 consecutive hours of off-duty time; and
- (c)** the trip could have been completed under normal driving conditions without the reduction.

(3) A driver who encounters adverse driving conditions while driving the vehicle during a trip north of latitude 60°N may extend the permitted 15 hours of driving time specified in section 39 by the amount of time needed to complete the trip if

- (a)** the extension of the driving time is no more than 2 hours;
- (b)** the driver still takes the required 8 consecutive hours of off-duty time; and
- (c)** the trip could have been completed under normal driving conditions without the extension.

(4) A driver who extends their driving, on-duty or elapsed time because of an emergency or adverse driving conditions shall record the reason for doing so in the record of duty status.

Janice Miller

From: Mantie, Kevin (MI) <Kevin.Mantie@gov.mb.ca>

Sent: February 14, 2022 4:13 PM

To: Miller, Janice (MI) <Janice.Miller@gov.mb.ca>

Cc: Klos, Ryan (FIN) <Ryan.Klos@gov.mb.ca>; Cuthbertson, Glenn (MI) <Glenn.Cuthbertson@gov.mb.ca>; Danis, Richard (MI) <Richard.Danis@gov.mb.ca>

Subject: RE: HOS queries due to Blockade

Hey Janice

I have got many calls on my personal cell given past employment/s – but nothing officially through MMCE. Industry was simply seeking my views.

No opinions were given from me.

That said, I personally agree with the direction Ontario is going.

km

From: Miller, Janice (MI) <Janice.Miller@gov.mb.ca>

Sent: February 14, 2022 4:06 PM

To: Mantie, Kevin (MI) <Kevin.Mantie@gov.mb.ca>

Cc: Klos, Ryan (FIN) <Ryan.Klos@gov.mb.ca>; Cuthbertson, Glenn (MI) <Glenn.Cuthbertson@gov.mb.ca>; Danis, Richard (MI) <Richard.Danis@gov.mb.ca>

Subject: HOS queries due to Blockade

Importance: High

Hi Kevin,

Have you received any queries from carriers asking for HOS exemptions due to the blockade?

Regards,

Janice

Janice Miller

A/Director

Permits & Approvals | Technical Services & Operations Division

Manitoba Transportation and Infrastructure

Unit C-1695 Sargent Avenue | Winnipeg MB R3H 0C4 | 204-945-8117

Did you know? [A Guide to Transportation Safety](#) provides motor carriers and other operators of regulated vehicles with an overview of the regulatory requirements in Manitoba.

Knowing the regulations helps to keep our roads safe.

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